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 16 Attorneys for Cross-Complainant
 17 ARACELI GOCOBACHI

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 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

SAMANTHA LOPEZ, a minor by and through by Guardian Ad Litem Liliana Cortez; as Successor in Interest of David A. Lopez, deceased)	CASE NO: CV-07-2028-JLS(WMc)
Plaintiff,)	CROSS-COMPLAINANT'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS
vs.)	F. Rules Civ. Proc., Rule 12(b)(6)
THE COUNTY OF SAN DIEGO, a municipal corporation, CITY OF VISTA, a municipal corporation, et al)	September 25, 2008
Defendants)	Time: 1:30 p.m.
		Place: Courtroom 6

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 30 Cross-Complainant, Araceli Gocobachi, by and through her counsel for and as response
 31 to defendant County of San Diego, states the following:

32 A. Cross-Complainant Araceli Gocobachi, surviving spouse of deceased David Arnulfo Lopez
 33 do not object to the dismissal of state claims, third through the fifth causes of action based on
 34 state claims. Legal research on the issues raised by the moving party does indicate that
 35 defendant's cross-complainant, Araceli Gocobachi did not file a claim for money damages
 36 as a required by Government Code 945.4 and therefore she is barred from suing on state claims.

1 Defendant Cross-Complainant therefore submits that the defendant's motion to dismiss the
2 third through the fifth causes of action is not opposed.

3 B. CROSS-COMPLAINANT CAUSES OF ACTION UNDER 42 U.S.C.1982, CAUSES OF
4 ACTION 1, AND 2, HOWEVER, SHOULD REMAIN VIABLE CAUSES OF ACTION AND
SHOULD NOT BE DISMISSED.

5 Defendant's motion does not question the validity of the first two causes of action,
6 therefore plaintiffs' counsel for cross plaintiff will not address their viability.

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8 Respectfully Submitted,
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11 Genaro Lara, Attorney for Cross Complainant

12 Dated: August 13, 2008
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1 CERTIFICATE OF SERVICE

2 The undersigned, Genaro Lara, declares:

- 3 1. I am the retained co counsel for the cross complainant, Araceli Gocobachi.
- 4 2. On August 13, 2008, I filed electronically the above response to Defendant, County
- 5 of San Diego's motion to dismiss causes of action 3 through 5.
- 6 3. I served by U.S. mail:

7 David G. Axtmann, Sr. Deputy Counsel, 1600 Pacific Highway, Suite 355, San Diego,
CA 92101

8 Victor M. Torres, Esq. 406 Ninth Avenue, Suite 311, San Diego, CA 92101

9 Ezequiel Cortez, Law Offices, 1010 Second Avenue, San Diego, CA 2101

10 by placing the above documents in a prepaid envelope to each party with addresses as shown
11 in a U.S. post office box.

12 I declare the above true and correct under penalty of perjury.

13
14 Genaro Lara _____/S/_____.

15
16 August 13, 2008